REMARKS

Claims 1-6 and 8-26 are pending in this application. Claims 1-6 and 8-26 are rejected. No claims have been amended or added. No new subject matter has been added. Claims 1-6 and 8-26 remain pending. Reconsideration of the claims is requested in light of the following remarks.

Claim Rejections – 35 USC § 103

Claims 1-6 and 8-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kodimer (U.S. Patent No. 6,003,078) in view of Lee (U.S. Patent No. 5,657,257) ("Lee").

Claim 1 recites:

> A network device assembly employed in a communication system comprising:
> a plurality of network devices capable of communicating network information, through a packet switching network, to a technical support center operated by technical support staff, said plurality of network devices coupled to said packet switching network through an interface line, each of the plurality of network devices including one or more hardware subsystems and one or more software subsystems and for monitoring the status of the hardware and software subsystems included therein and when a problem occurs either with respect to one or more of the hardware and software subsystems of a particular one of the plurality of the network devices or with respect to said interface line, the particular network device sends a first message to the technical support center notifying the technical support center of the problem without interruption to the operation of the network device, *said network device assembly including a computer register for indicating the status of all of the hardware and software subsystems immediately before the problem occurs.*

Kodimer involves status information concerning a condition of a network peripheral device connected to a network being automatically communicated to a remote service organization requiring the following steps: First, a condition of the network peripheral device is detected. Then, in response to the detected condition, status information is automatically obtained, the status information corresponding to the detected condition. Finally, upon obtaining the status information, a packet is automatically transmitted to the remote service organization via the network, the packet containing the status information.

Claim 1 requires a register for indicating the status of all of the hardware and software subsystems immediately before the problem occurs. Kodimer does not mention the monitoring of subsystems before problems are detected, and furthermore sends only information regarding detected conditions. This does not involve a register for indicating the status of all of the hardware and software subsystems immediately before the problem occurs.

Lee discusses a power-supply controller of a computer that will minimize power consumption. In particular, Lee discusses a computer with an operation mode that will

convert to a sleep mode and therefore reduce power consumption below a constant voltage if there is no input to operate a computer system for a predetermined period of time. Regarding Kodimer, Applicants agree with Examiner Won that Kodimer does not teach indicating the status of all subsystems. Applicants respectfully disagree that Lee, col. 3, lines 59-62, or any part of Lee, cures the deficiencies of Kodimer.

M.P.E.P 2141.02 requires that to ascertain the differences between the prior art and the claims at issue requires interpreting the claim language, and considering both the invention and the prior art references as a whole. Section 2141.02 further requires that a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984).

The cited section in Lee discusses a power-supply controller, wherein during the operation of a computer system, a *power control means* determines operation status (yes or no) for every peripheral device including all hard dish [sic] and floppy disks. If no devices are operational, it perform [sic] the sleep-mode operation which cuts off the power when there is no keyboard input for a predetermined time period, and no command from any peripheral device or monitor. As a result, even though power is not supplied to every peripheral device and monitor, power will be provided to the CPU of the computer and the memory.

A *power control means* monitoring on or off operational status therefore not only does not cure the deficiencies of Kodimer, but actually teaches away from the claimed invention. If a *power control means* determines if every peripheral device is operational or not ("operational status"), and if none are operational, the power control means cuts off the *power* to the peripheral devices, then there would be no reason to monitor status of the device immediately prior to a problem in the device. In this case the proposed modification would render the prior art unsatisfactory for its intended purpose, that is, if the device is shut down based on non-operational status, there would be no reason to monitor faults or problems in the system as it would be powered down.

Applicants therefore respectfully submit that a prima facie case of obviousness has not been met under M.P.E.P 2143 and claim 1 is patentably distinguishable over the prior art. Independent claims 12, 24 and 25 contain similar limitations and therefore applicants respectfully submit that claims 12, 24 and 25 are patentably distinguishable over the prior art for the same reasons as claim 1. Claims 2-6 and 8-11 depend from claim 1, since dependent claims necessarily contain all of the limitations of the claim from which they depend, claims

2-6 and 8-11 are patentably distinguishable at least for the same reasons as claim 1. Likewise, claims 13-23 ultimately depend from claim 12, and are patentably distinguishable over the prior art in a similar manner to claims 2-6 and 8-11.

Regarding claim 26, Wiesenewsky discusses a memory device for automatic switching control systems using pulse patterns for the switching control. Wiesenewsky does not discuss a register for indicating the status of all hardware and software subsystems immediately before a problem occurs, and therefore does not cure the deficiencies of Kodimer even in view of Lee. Claim 26 is therefore patentably distinguishable over the prior art.

CONCLUSION

For the foregoing reasons, reconsideration and allowance of claims 1-26 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Customer No. 20575

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

Todd J. Iverson
Reg. No. 53,057

MARGER JOHNSON & McCOLLOM, P.C.
210 SW Morrison Street, Suite 400
Portland, OR 97204
(503) 222-3613

I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office via facsimile number (703) 872-9306, on August 29, 2005.

Signature

Judy Wigmore

Judy Wigmore